REMARKS

Claims 1-21 and 23-26 are pending in the application. Claims 1, 14 and 25 are independent. Claim 14 has been amended to include the limitations of now canceled dependent Claim 22.

Section 112, 2nd paragraph rejection

Claim 12 was rejected under 35 USC 112, second paragraph, as being indefinite. Claim 12 has been amended and is believed to now conform to the requirements of Section 112, second paragraph. In view of the foregoing claim amendment, Applicant respectfully requests reconsideration.

Claim Objections

Claim 18 was objected to as it was filed depending 'from Claim 18'. The claim has now been amended to correct this typographical error and now correctly recites that it depends from Claim 17.

Section 103(a) rejections

Claims 1-7, 24 and 25 were rejected under 35 USC 103(a) as being unpatentable over US Patent Publication 2003/0091204 A1 (Gibson et al.) in view of US Patent 6,009,181 (Kim). Claims 8-10 were rejected as being unpatentable over Gibson and Kim in further view of US patent Publication 2002/0057809A1 (Heyl). Claim 14 was rejected under 35 USC 102(b) as being anticipated by Gibson. Claims 11-13, 22-23 and 26 were rejected as being unpatentable over Gibson and Kim in further view of US Patent Publication 2003/0053176 (Nishigaki et al.). Claims 16-21 were rejected as being unpatentable over Gibson in view of Heyl. Claim 15 was rejected as being unpatentable over Gibson in view of Nishigaki.

In view of the foregoing amendments and the following discussion, the rejection is respectfully traversed and reconsideration is requested.

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Independent Claim 1, is directed to a method for processing audio from one or more sources including, providing an adjustable audio setting for each of the one or more sources that can be set by a user and controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers.

Independent Claim 25 is directed to a computer readable media having encoded thereon programming instructions causing a processor to perform the same steps as those recited in independent Claim 1.

The Action takes the position that Gibson discloses the step of providing an adjustable audio setting, but "fails to disclose controlling an audio signal of a selected source in accordance with an established adjustable setting set by the user before sending the selected source to one or more speakers". The Action then takes the position that Kim discloses the step of "controlling an audio signal...for the purpose of preventing howling" and that it "would have been obvious...to modify Gibson by incorporating the controlling ...for the purpose of preventing howling as taught by Kim".

As explained in Applicants' specification as filed, by using a "common audio processor to process multiple types of video and audio sources at once", including high definition television, digital television, analog cable television, digital cable television, satellite television, streaming audio, CD-writers, DVDs, digital radio, video games, and Internet radio to name only a few, audio loudness levels vary widely. Applicants therefore describe a method for processing audio from varying audio sources including providing an audio adjustment on a per source basis that a user can adjust when setting up the receiver (for example, a user can establish a relative gain setting from −4 dB to +4 db in 2 dB increments for the audio so that the audio is compensated in accordance with this setting before sending the audio to the speakers).

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Applicants submit that it would *not* be at all 'obvious' to combine the alleged teachings of Gibson and Kim in the manner proposed in the Office Action. Gibson, is directed to a method of using 'visual images' to *mix sound*. One of ordinary skill would have absolutely no motivation or suggestion to combine the alleged teachings of Kim, directed to a method of controlling sound in a computer monitor having a sound processing function, in order to "prevent howling" (as stated in the Action). In Gibson, "selected audio characteristics of the audio signal ...are correlated to selected *visual characteristics*...[and] dynamic changes to any of these parameters...causes a corresponding change in the correlated parameter or audio effect". Gibson further recites that the system includes an "audio mixer having a plurality of channels each of which for receiving one of a plurality of audio signals, and for varying audio characteristics of the received audio signal". Again, Applicants submit that Gibson in fact teaches away from combining/modifying its teachings with those of Kim to "prevent howling" as proposed in the Office Action.

For at least the foregoing reasons, Applicants respectfully submit that each of independent Claims 1 and 25, is patentable over the combined teachings of Gibson and Kim and reconsideration is requested.

Claims 2-13 depend from Claim 1, and Claim 26 depends from Claim 25. These claims are believed to be clearly patentable for all of the reasons indicated above with respect to Claims 1 and 25, one or the other from which they depend, and even further distinguish over Gibson and Kim by reciting additional limitations.

For example, dependent Claim 11 recites "querying the user upon the user selecting a source or a channel of a source for which no adjustable setting has been entered as to whether the user wishes to enter an adjustable setting for the selected source or channel". The Action acknowledges that both Gibson and Kim "fail to teach" the limitation recited in Claim 11, but takes the position that Nishigaki "disclose a network system in which" the step recited in Claim 11, is shown "for the purpose of effectively utilizing communication bandwidth". For support the Action simply directs Applicants to "fig. 10-12".

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Applicants respectfully submit that Nishigaki does not teach or even suggest "*querying a user upon the user selecting a source or a channel* of a source for which no adjustable setting has been entered as to whether *the user wishes to enter an adjustable setting* for the selected source or channel". Should this rejection of Claim 11 be maintained, further clarification as to the teachings of Nishigaki upon which the Examiner relies is requested.

Independent Claim 14, as amended herein to include the limitations of Claim 22 (now canceled) is directed to an apparatus for processing audio from one or more sources including (1) a user interface via which a user can select an adjustable setting for an audio signal from each of the one or more sources and (2) an audio processor receiving an audio signal from a selected one of the one or more sources, adjusting a response of the audio signal from the selected one of the one or more sources in accordance with the user selected adjustable setting and sending the adjusted audio signal to be output over one or more speakers. Claim 14 now further recites that the user interface queries the user upon the user selecting a source or a channel of a source for which no audio adjustment has been entered as to whether the user wishes to enter an audio adjustment for the selected source or channel".

The arguments presented above with regard to dependent Claim 11 are applicable to amended independent Claim 14 as well (which again, has been amended herein to include the limitations of Claim 22), and reconsideration of the patentability of Claim 14 is requested on the same grounds.

Dependent Claims 15-24 are believed to be clearly patentable for the reason indicated above with respect to Claim 14, from which they depend, and even further define over Gibson, Kim, Heyl and Nishigaki by reciting additional distinguishing limitations.

It is respectfully submitted that in regard to the above amendment and remarks that the pending application is patentable over the art of record and prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner

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telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

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